



Response under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 2655

PATENT  
ATTORNEY DOCKET: 041514-5166

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	) Confirmation No.: 1452
	)
Masakazu OGASAWARA et al.	) Group Art Unit: 2655
	)
Application No.: 10/022,843	) Examiner: Nabil Z. Hindi
	)
Filed: December 20, 2001	)
	)
For: OPTICAL PICKUP APPARTAUS	)
AND FOCUSING CONTROL	)
METHOD	)

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window, Mail Stop AF**  
Alexandria, VA 22314

Sir:

**NOTICE OF APPEAL TO THE**  
**BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated March 28, 2005, finally rejecting claim 9.

1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

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- ☒ Applicants request an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input checked="" type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

If an additional extension of time is required, please consider this a Petition therefor.

2. Notice of Appeal Fee – 37 C.F.R. § 41.20(b)(1)

- ☒ The fee in the amount of \$500.00 to cover the Notice of Appeal fee is enclosed.
- ☐ The Commissioner is authorized to charge the Notice of Appeal fee of \$500.00 to Deposit Account No. 50-0573.

3. Fee Payment

- ☒ As indicated in the concurrently-filed Amendment Transmittal form, enclosed is a check in the amount of \$1,520.00, representing \$1020.00 for the three-month extension of time fee and \$500.00 for the notice of appeal fee.
- ☐ The Commissioner is authorized to charge Deposit Account No. 50-0573 in the amount of \_\_\_\_\_ for the Notice of Appeal fee.

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**

Dated: September 28, 2005

By:



Paul A. Fournier

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